



ARIZONA DEPARTMENT OF TRANSPORTATION



HIGHWAYS DIVISION

206 South Seventeenth Avenue - Phoenix, Arizona 85007-3213

April 28, 1992

FIFE SYMINGTON
Governor

GARY K. ROBINSON
State Engineer

CHARLES E. COWAN
Director

Mr. Ronnie Lupe
Tribal Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, AZ 85941

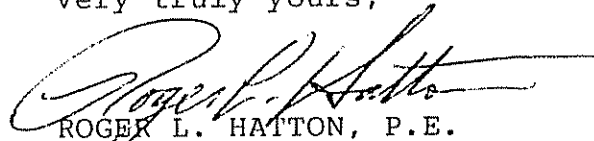
Re: Maintenance Intergovernmental Agreement
Between ADOT and the White Mountain Apache Tribe
of the Fort Apache Indian Reservation
SR 73 at IR 55 in Whiteriver - MP 338.88

Dear Mr. Lupe:

Transmitted herewith is the Maintenance Intergovernmental Agreement which has been fully executed.

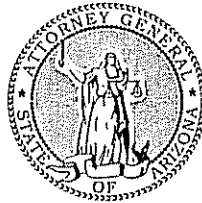
You will note the effective date of filing with the Secretary of State is April 20, 1992.

Very truly yours,


ROGER L. HATTON, P.E.
State Traffic Engineer

RLH:RM:mz
Att

c: Sally Al-Hashimi (103P)
Marsha Bloom (204B)
Rick Genteman (D4)
Robert C. Brauchli, Gen'l Counsel



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR92-0767 -TRN , an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 9 day of April, 1992.

GRANT WOODS
Attorney General

Joe Acary
Assistant Attorney General
Transportation Section

MAINTENANCE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE WHITE MOUNTAIN APACHE TRIBE

KR 92-
A.G. Contract # 0767 TRN

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the WHITE MOUNTAIN APACHE TRIBE, hereinafter called "TRIBE".

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION, has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE;

WHEREAS, the TRIBE is empowered by Resolution No. 03-92-080 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said TRIBE.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain operations and maintenance activities be provided on the State Highway System in the WHITE MOUNTAIN APACHE TRIBE of the Fort Apache Indian Reservation. This work shall consist of the operation and maintenance of traffic signals and/or highway lighting at the following location:

SR 73 at IR 55 in Whiteriver MP 338.88

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The WHITE MOUNTAIN APACHE TRIBE shall set aside sufficient funds and be responsible for all electrical energy costs to operate the traffic signals and/or highway lighting at the above location.

2. The STATE shall set aside sufficient funds and be responsible for all operations and maintenance except electrical energy costs.

3. Any new installation or any betterment shall be based on a traffic engineering study, and the mutual involvements shall be negotiable.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

5. This Agreement shall remain in force and effect until midnight June 30, 1992, and shall thereafter be automatically renewed for successive periods of one (1) year unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial expiration date, or of any renewal date hereof, cancelling said Agreement. In the event of such notification and upon expiration of the term during which notice is given, this Agreement shall thereupon become of no further force and effect.

6. It is understood that the list of locations set forth in this Agreement may be added to, or have deletions made, by Letter Addendum, with all other conditions set forth remaining in effect.

7. It is understood that upon the termination of this Agreement for any cause whatsoever, all properties which are the subject matter of this Agreement are declared to be property of the Arizona Department of Transportation.

8. Any disposal of properties subject to this Agreement shall be in a manner as otherwise prescribed by law concerning the disposal of public property.

9. The provisions of A.R.S. §35-214 are applicable to this Agreement.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of General Counsel for the WHITE MOUNTAIN APACHE TRIBE that the Tribe is authorized under the laws of the United States of America and pursuant to its Tribal Constitution to enter into this Agreement and that it is in proper form.

11. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

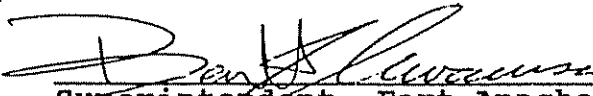
STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: Louise D. Mickiff
State Traffic Engineer
Date: 4-7-92

THE WHITE MOUNTAIN APACHE TRIBE

By: Louise D. Mickiff
Title: Tribal Chairman
Date: March 30, 1992

APPROVED:


Superintendent, Fort Apache Agency
Bureau of Indian Affairs
Department of the Interior

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council is advised that the Tribe must enter into an Intergovernmental Agreement with the State of Arizona, Department of Transportation, for the maintenance and operation of traffic signals and/or highway lighting on SR 73 at IR 55 in Whiteriver; and
- WHEREAS, the Tribal Council is also advised that the estimated cost of a traffic signal in Whiteriver is between \$1,200 to \$1,400 a year; and
- WHEREAS, the Tribal Attorney has negotiated the terms of the Intergovernmental Agreement with the Department of Transportation, which is attached to this resolution and incorporated by reference herein; and
- WHEREAS, the Tribal Council agrees that it is in the best interest and welfare of the Tribe that this project be carried out.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman to sign the attached Intergovernmental Agreement with the State of Arizona, Department of Transportation, and any other documents necessary, for the maintenance and operation of the traffic signals and/or highway lighting on SR 73 at IR 55 in Whiteriver.

The foregoing resolution was on March 18, 1992, duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) (b) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council



Secretary of the Tribal Council

EXHIBIT "B"

APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Maintenance Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and THE WHITE MOUNTAIN APACHE TRIBE and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the United States of America and the Constitution of the White Mountain Apache Tribe.

DATED this 27th day of MARCH, 1992.

WHITE MOUNTAIN APACHE TRIBE

By: Robert C. Brauchli
General Counsel

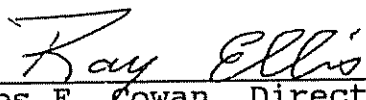
MAINTENANCE - TRAFFIC SIGNALS

WHITE MOUNTAIN APACHE TRIBE

RESOLUTION

BE IT RESOLVED on this 6th day of April, 1992, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Maintenance Intergovernmental Agreement with the WHITE MOUNTAIN APACHE TRIBE for the maintenance and operation of traffic signals and/or highway lighting on State routes within the White Mountain Apache {Fort Apache Indian} Reservation.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.


for Charles E. Cowan, Director
ARIZONA DEPARTMENT OF TRANSPORTATION